



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 2623
Examiner : Marandi, James R.
Serial No. : 10/815,300
Filed : March 31, 2004
Inventor : Funston
Title : Aggregating Local Cable Spots Into National Equivalent Units

Dated: September 23, 2008

**DECLARATION OF ALBERT T. KEYACK
AND REQUEST TO WAIVE EXTENSION FEE**

Commissioner of Patents
Washington, DC 20231

Sir:

I, Albert T. Keyack, do hereby declare and state as follows:

1. I am a registered patent attorney, Registration No. 32,906.
2. On July 30, 2008 I filed the attached Response in the above-referenced pending application via facsimile.
3. The facsimile was sent from an office in which the facsimile machine is adjacent the receptionist/office assistant. For reasons unknown, it can take from several hours to a day or more for the PTO facsimile receipt sheet to be returned back to this facsimile machine. Typically, the receptionist/office assistant places the receipt on my desk.
4. However, because I am aware of this delay, I personally stand over every facsimile transmission to the PTO and signify in writing if the machine display screen said "Fax Sent OK."
5. Therefore, in accordance with my normal practice, I made such a notation on the attached and I am certain it was transmitted to the PTO. On occasion, I have not received a facsimile receipt from the PTO, in which case it is assumed another

person had removed the receipt intended for me with the pages of another facsimile intended for them and did not notice the PTO receipt was in the facsimile tray.

7. There is no facsimile receipt for the filing transmitted on July 30, 2008.
8. On September 23, 2008 I reviewed the file history of the above-referenced application using PAIR and noticed that the attached Response was either not received or not scanned into PAIR.
9. I am therefore re-submitting the attached.
10. Based upon the foregoing, I respectfully request that the attached be entered as though it was timely filed and no fee is necessary.
11. In the event this request is denied, a Petition and two month extension fee are enclosed herewith.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9/23/08

Date: September 23, 2008

Albert T. Keyack
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